

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1378-MN
)	
MASIMO CORPORATION and)	JURY TRIAL DEMANDED
SOUND UNITED, LLC,)	
)	
Defendants.)	
)	
<hr style="width: 50%; margin-left: 0;"/>)	
MASIMO CORPORATION and)	
CERCACOR LABORATORIES, INC.,)	
)	
Counter-Claimants,)	
)	
v.)	
)	
APPLE INC.,)	
)	
Counter-Defendant.)	

STATEMENT UNDER LOCAL RULE 7.1.1

Pursuant to District of Delaware Local Rule 7.1.1, counsel for Plaintiff certifies that they have met and conferred with opposing counsel regarding Plaintiff Apple Inc.’s Motion (1) sever Defendant Masimo Corporation’s (“Masimo”) antitrust, false advertising, and patent infringement counterclaims (i.e., the First through Sixteenth Counts) and (2) stay Masimo’s patent infringement counterclaims related to those the Court has already stayed pursuant to 28 U.S.C. § 1659 (i.e., the Tenth, Twelfth, Fourteenth, Fifteenth, and Sixteenth Counts). A reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the motion, but as of the time of this filing, no agreement has been reached.

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10580759 / 12209.00052

Respectfully submitted,

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By: /s/ David E. Moore

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